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May 22 1997

THE MAY 3, 1972 RALLY AND ASSAULT

I was having dinner with Patricia and a couple of friends at Sutton Place to celebrate finishing the correction of page proofs on Papers on the War. It was also a birthday party for me; I had worked through my birthday, a couple of weeks earlier. The phone rang. It was Cora Weiss calling to say, "Haiphong is being bombed."

I had been trying to head that off for two years. I was sure it meant that Haiphong was about to be mined and that North Vietnam would be subjected to unrestricted bombing, including B-52s. Nothing had prevented that, not the Pentagon Papers, not the antiwar movement, not the Russian Summit or the opening to China (because neither of those had prevented the Vietnamese offensive that was then underway).

[Earlier: in the face of the Vietnamese offensive and the likelihood of US escalation, I decide to release NSSM-1, now with Patricia's blessing and the help of the lawyers and others. Dealings with Gravel. Expectations of new charges, a new trial, probable conviction. On April 25, Gravel attempts to have NSSM-1 inserted into the Senate Congressional Record, but Griffin, the Senate assistant minority leader, objects. Church and Javits are designated to study the question of the Senate's ability to receive

classified documents, and two days of closed Senate hearings ensue.

When exactly did Cora call--when was Haiphong bombed? And was she the one who asked me to come to Washington? Did she ask on this first call--and I was non-committal? That's how I remembered it in an earlier account.]

A coalition calling itself an Emergency Nationwide Moratorium to End the War came together in a few days to coordinate actions across the country, including two days of demonstration in Washington, May 3 and 4. Their flier, headed "U.S. sets no limits on bombing," started: "Since Nixon took office, the equivalent of two and a half atomic bombs a month have been dropped on Indochina. Over three million people have been killed, wounded, or made homeless. Now B-52s bomb North Vietnam for the first time. When will it stop?"

A press release announced that that protests were scheduled in at least 1100 communities for May 4, 6 and 8. 200 universities and colleges announced plans to strike on May 4, the anniversary of the 1970 shootings at Kent State. The press release was signed by John Boyes, the former Yale chaplain under William Sloane Coffin, who had married Patricia and me two years earlier. He described some of the actions planned. "Students at the University of California's Irvine campus will construct a Vietnamese village at Campus Park...The village will be destroyed by Vietnam Veterans Against the War." At Eugene, Oregon, "A mock graveyard will be set up and funeral services held with the placing of wreathes upon the coffins to symbolize deaths caused by the war at Kent State, Jackson State, and in Indochina."

Local groups in Concord, New Hampshire would give a day-long

reading of the pentagon Papers. Guerrilla Theatre simulating Vietnam air-raid conditions would block traffic in the San Francisco financial district. A mass rally at Boston Common on May 6 would be followed by mass civil disobedience at the JFK Federal Building on Monday, May 8. (Same as a year earlier, same month, when Howard Zinn and I had taken part). Fasts, marches, night-long vigils. The governor of Minnesota had endorsed the Moratorium and his lieutenant governor would speak at a mass rally. The governor of Wisconsin had declared May 4 an official Moratorium Day and along with 39 state legislators had censured Nixon for the recent bombings.

The network and telephone trees of the 1969-70 Moratorium were obviously still current, still at it. And would any of this matter?

Pat Richards, an aide to Bill Kunstler who was working on the events in Washington, called to ask me to speak at the rally on the West steps of the Capitol on May 3. I said maybe. They shouldn't count on it, or announce it. I would decide later.

I knew they would want to know in advance so they could announce it in posters and press releases, and usually, over the last few years, I would have said yes immediately. Now I was getting ready to go to Los Angeles for the trial, there were still things to finish up on the book publication, and I was preparing

for the release of NSSM-1. But what really made me hesitate, made me reluctant to go and doubtful that I would go, was a new and final-feeling sense of futility. Hopelessness, impotence. I didn't want to go because I didn't want to feel like a fool, didn't want to stand with a little band of die-hards and be reminded that nothing we had done had made any difference.

Rallies hadn't helped, at all. And after this, after the mining and the carpet-bombing of the North, nothing would help. At this moment most people in the movement wouldn't have as strong a sense as I did on where this was shortly headed, but it would be public soon enough.

LeMay's dream, of turning North Vietnam into a parking lot, was about to be realized. We had failed. Soon it wouldn't be just me who felt that way, everyone would. Who would go to rallies any more, why bother?

The morning before the demonstration, May 2, the news came that J. Edgar Hoover had died during the night and his body would be lying in state under the Rotunda of the Capitol. That meant Hoover mourners would be filing through the Capitol at the time our rally was scheduled, so I presumed the organizers would have to cancel it, or at least change the location.

But when I called Washington they told me there was no

problem. The Rotunda was a good distance away from our rally and the Hoover mourners waiting to get in would be on the East steps, the other side of the Capitol from our rally on the West steps. There would be no potential conflict, in fact no awareness by either group of the other's presence. That was the attitude of the Capitol police, they told me. They weren't changing any plans. So that excuse for not going didn't hold.

In the end it was the thought that this would be the last Washington rally before the escalation that made me decide to go at the last minute, on the very day it was happening. How would I feel after the mining and bombing had started if I hadn't bothered to go to the last protest against it? On the afternoon of May 3 I threw some things into a briefcase and went to LaGuardia for the shuttle to Washington.

I got into National about the time the rally was due to begin and I took a cab straight to the Capitol. I had to get out at the barriers at the side, and I walked with my bag toward the west entrance and up the steps. I saw a poster announcing the event and I noticed with irritation that my name was listed among the speakers. I had made a point of telling the organizers, as late as the day before, that I wasn't sure I was coming. But there was no way to stop them from announcing it anyway, to draw people, who would then be angry at me for failing to show up if I hadn't.

I thought of chewing someone out, but they would just blame some unknown person in charge of the posters who had misunderstood, and they would do the same thing to someone else the next time anyway. If there was a next time. I wanted to feel that we weren't like that in the movement, we were more honest and considerate and less manipulative than people in other lines of work, and in many ways it was true, but this was 1972 and things had been running down for quite a while. It was amazing, really, that people were still at it, you could still put a rally like this together on short notice at this point. Anyway, I was there after all.

A few hundred people were clustered together on the steps in the late afternoon light. People were still coming, and later as it grew darker it got to be about a thousand. There were loudspeakers on the sides and I could hear voices from the speakers' platform at the head of the stairs as I came up the steps. They were reading names, a list of American dead.

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Congresspersons and their staffs had been doing that since noon. I saw Ron Dellums and an aide of his that I knew, Mike Duberstein. Bella Abzug, Pete McClosky, Mike Gravel. Donald Sutherland was there, Judy Collins, Stacey Keach: bigger stars than we usually got. I said hello to people. I checked in with Pat Richards, who had been making arrangements with me on the phone. She worked with Bill Kunstler, who was there, along with Mark Raskin, Art Waskow, Fred Branfman, Liz McAlister.

[We didn't know it at the time, but also behind the speakers' platform, on orders from Nixon through Colson, were Hunt and Liddy and ten Cubans led by Bernard Barker, almost all formerly or presently associated with the CIA. They included all the ones who had been in the Fielding break-in nine months earlier and all who were to break into the Watergate during the next month. It was an unusual physical convergence, that evening on the steps of the Capitol (with the body of J. Edgar Hoover lying in state under the Rotunda, a hundred yards away, and his line of mourners emerging not far from our rally). Nixon had brought us together, after all. But the Cubans were there to beat some of us up, particularly me.¹]

Down below the steps was a small counter-demonstration, a couple of dozen people waving placards supporting the war. Saw-horses and the Capitol police keep them separated from us.

Gravel was standing at the side waiting to speak, and as I looked at him I was thinking about his efforts over the last eight days to get NSSM-1 into the Senate Congressional Record. I noticed Dellums and Duberstein standing on the opposite side of the steps, and an idea suddenly struck me. If I had been a character in one of the comic strips of my youth, an electric lightbulb would have appeared floating over my head at that moment. There were two houses of Congress, and they each contributed their proceedings separately to the Congressional Record. I went over to Mike Duberstein, described Gravel's situation to him, and made a suggestion. He talked to Dellums, then I saw him go over to Gravel. A little later, Gravel caught my eye and held up his up his hand, thumb and forefinger joined together in an "OK" signal. He nodded and smiled, then left.

[On May 10, seven days later, Ron Dellums rose in the House, announced that he was sponsoring with some others a bill calling for the impeachment of Richard Nixon. He denounced the mining of Haiphong and inserted into the House Record a petition from the students of Eastern Highschool in Washington about the war. He inserted, on the same basis of routine unanimous consent to extend his remarks in the Record, some studies that had provided the President with information for his decisions, studies that he did not otherwise describe.

Only one-third of what he had inserted appeared in the Record for May 10, because there was a heavy printing load at the Government Printing Office, and what he had given them to print was about 500 pages long. The remaining two-thirds appeared the next day. The fact that it had all been classified secret or top secret by the NSC did not slow up its publication, but it did not go unnoticed in the Senate, where Gravel had once again been blocked from introducing the same material, NSSM-1, the day before, May 9. The minority leader, Hugh Scott, denounced Gravel for breaking the law by providing the material to Dellums and threatened him with censure.]

Someone came to bring me up to the speakers' program, where the reading of the names of the dead stopped temporarily and a drama\liturgy was about to begin. Bella Abzug, Liz McAlister and I, along with others, were given parts of a script to recite, quotations from people in Vietnam and in this country about the war. Candles were lit in the crowd below and around us. But it was still fairly light.

Then some of us were asked to speak. Like the liturgy and the reading of the names of the dead that had gone before, the tone of what I said was elegaic. I spoke about what was in the news that very day, the strange and dramatic images that had led the accounts in the press and on TV: ARVN units dissolving and deserting en mass in the northern provinces of South Vietnam as North Vietnamese

divisions approached Hue, ARVN soldiers looting stores in Hue before they left, getting drunk, raping and shooting civilians, then fleeing down Highway One towards Danang, nearly all of them doing something that the commentators found incomprehensible: removing their boots and helmets, leaving them by the road, walking and running south in bare feet.

These were the Vietnamese I knew, I said. Not the North Vietnamese, not the Viet Cong; whatever was to be said about their patriotism, their courage, their cause, I didn't know them, I had never met one. Their cause had not been mine in Vietnam. The Vietnamese I knew were like the the ones retreating as we spoke, troops I had walked with on patrol and trusted with my safety, officers in the Saigon army and officials in the Saigon government, some of them close friends, brothers. The soldiers on Highway One were the ones on my mind this day. I was feeling with anguish what they and their comrades, my friends, were feeling on this day of collapse and defeat. I thought I understood some of the emotions that lay beneath the behavior that observers found so repellent or inexplicable.

What was going on in Hue, I said, was a dance of death. For these troops the effort they had enlisted in, that I had enlisted in, was defeated. Their war was over. As the troops they had been fighting, some of them their brothers or cousins, advanced almost unopposed, they felt, surely, fear, desperation, despair. But

also, shame. Not only at defeat and failure, at their own lack of courage and commitment (they were deserting, nearly all of them, without having been in contact with the enemy, without having been fired at), but at a recognition of having been on the wrong side. Our side.

They had been recruited into an army serving the interests of a foreign country, our country, for the benefits of clothing and boots, a roof and a bed, a few piasters, to shoot at countrymen fighting, without pay and from tunnels, for independence and for dreams of unification and revolution. And it had not brought them honor.

Every American media report from Vietnam for the last 24 hours had described the discarding of boots and weapons by the troops in flight as bizarre behavior, of a piece with the drunken orgy of looting and aimless or murderous shooting in Hue, meaningless, out of control. It seemed less mysterious to me. The reports by Americans reporting seemed oblivious to the fact that the boots being abandoned by Vietnamese in Vietnam were American Army boots. The helmets and webgear being unbuckled and dropped in the weeds, the weapons being thrown away, were American issue.

For years the Viet Cong guerrillas had been unrecognizable by Americans because they lived as well as fought in the black pajamas worn by uninvolved peasants, to the extent there any such. Now it

was time for the ARVN soldiers to seek that anonymity, to tear off the insignia of the foreign occupiers and patrons. It was an act of prudence, desperation (a harder task, to fool pursuers some of whom came from their own neighborhoods), protecting their own lives. But I suspected it was something else as well.

Perhaps they had never thought of it before, they might even have been proud of those boots, so different from what other Vietnamese wore. But they could hardly have missed the thought, as they tore them off, that they had earlier been walking in the shoes of a foreign army, they had been part of an occupation force in their own country. For at least some of them, I suspected, that had suddenly become no longer tolerable. In going barefoot, some of them down to their underwear, they were stripping themselves of a former identity, a former relation to the American government and armed forces.

I knew what that felt like.

So I went on to imagine that they were doing this not only for their own protection (which hadn't applied to me: the antiwar forces in the US had never been close to capturing the state) but because that part of their life was in ruins, it was over, they couldn't accept it any more. They didn't yet have a new identity, a uniform, but for the moment it felt better to be walking near-naked, in their own skin.

I didn't say all that, but those were the thoughts I remember. I had rarely spoken so personally, and never before of my feelings of identity with the Vietnamese soldiers and officials. I was projecting, of course, but was I entirely wrong? Was I only imagining that some of them had feelings so like my own? Maybe so. Maybe not.

The crowd was silent as I spoke, except for a couple of individual shouts, which I couldn't make out at the time. (When I listened to a tape of it almost two years later, the shouts were clear enough, but they were in Spanish: "Trahidor!" Traitor; what the Cubans from Miami had been told to yell at me.)

After speaking, I talked to people in a space just below the speakers' platform, kept clear of the crowd by saw-horses and a rope. At one point I heard more yelling and a commotion. I walked over to see a burly fellow who seemed to be punching at people in the crowd as he yelled. (Later I recognized him in news photos as Frank Sturgis). Park police had grabbed his shoulders and arms and were dragging him away. (Judy Collins had noticed the same scene and it had made enough of an impression on her that she wrote a poem about it that evening, with a title referring to the same man, Sturgis: "The man in the sharkskin suit.")

I spent that night in a cheap hotel where other speakers from out of town were being put up, and had dinner with Bill Kunstler,

Pat Richards and some of the others. The next day there was a rally at McPherson Square attended by Federal employees and students, not very many, about the same number as the day before. I spoke and we marched down Pennsylvania Avenue to the Capitol. This time we were on the East steps, Hoover's body and his mourners having departed the Rotunda for his funeral. After speeches by Abzug, Dellums, Gravel and others, the crowd scattered to lobby on the Hill for the Gravel-Mondale-Drinan bill cutting off all funds for US military action in Indochina 30 days after passage.

The Cubans weren't in the crowd this time. They were on their way home to Miami that morning. Six weeks later several of them were caught in the Watergate office, which two of them had been driven by the very evening of our rally, May 3, in a reconnaissance of "their next objective."²

Soon after my trial ended on May 11, 1973, I was invited to Washington to testify before joint hearings of several committees, on governmental secrecy. While I was in Washington someone from the Washington Special Prosecutors' Office asked me to come over to talk to some of the prosecutors. I met with Jay Horowitz, Nick Akerman and Chuck Breyer, who told me they were working on the incident of May 3, 1972. (Later I was told that more interviews had been conducted on this incident than on other single aspect of the Watergate investigation).

While I was talking to these young prosecutors they introduced their boss, William Merrill, who asked me a few questions about the incident. We were standing among the desks in a large office. He asked me, "Do you know what their orders were?"

I said, "Well, one of them said in Time that his orders were to punch me in the nose and call me 'traitor.'"

Merrill said, "Their aim was not to punch you in the nose. Their orders were 'to incapacitate you totally.'"

I waited for him to expand on that, but he didn't. I said, "What does that mean, kill me?"

"The exact words were: to incapacitate you totally." He paused, then he said, "You have to understand, these guys never use

the word 'kill.'"

Somebody in the group said, "What was it they said about the Special Forces double agent? Oh yeah, 'neutralize with extreme prejudice.'"

Merrill said, "I think their intent was to kill you."

Years later I looked up Merrill at his home in Bloomfield Hills when I was visiting my father and Cranbrook School. He had retired, and we spent a couple of hours together talking about Watergate. I asked him if he remembered what he had told me about the orders and he repeated the words exactly, "They were to incapacitate you totally." And he said again, "I never had any doubt that the intent was to kill you."

I did doubt this, though, because it didn't seem necessary.³

I had told all this to my friend Lloyd Shearer, editor of Parade, who wrote the "Walter Scott" gossip column on the inside front page of Parade every Sunday, "the most widely read page in America." He was in touch with everybody. He phoned Bernard Barker, who had been in charge of the Cubans brought up from Miami to assault me. Later Shearer told me, "Barker said to me his orders were to break both your legs."

END NOTES

1. Time Magazine reported on October --, 1972, four months after the Watergate break-in and weeks before the election, that...[INSERT QUOTE]...

In 1974 (?) Taylor Branch was writing a book with George Crile on the Cubans who had been involved in the Fielding break-in, Watergate, and earlier the Bay of Pigs. He told me [to be continued]...

2. When Hunt was arrested a little later, this earlier event, and what Hunt could tell about it including the involvement of the President's counsel Charles Colson, must have been very high on the list of concerns of the White House insiders. It almost surely was one of the subjects discussed during the 18-1/2 minute gap in the tape of Nixon's talk with Haldeman. It pointed directly to the White House, rather than to CREEP, and implicated the President himself, as did almost nothing else in Watergate except the Fielding break-in eight months earlier, which had also involved Hunt and the Cubans. And unlike the Fielding break-in, this incident only weeks before Watergate involved physical assault on American citizens, speaking out on the steps of the Capitol. The President's incentive to keep Hunt from testifying about it, in obstruction of justice, was very powerful.

The account of this incident that emerges from the investigation by the Watergate Special Prosecution Force, which ignores earlier and contextual events which I believe were crucial, begins essentially on May 1...]

Note: this account of May 3 is very cursory on the role of Colson, the President and the Cubans in the attempted assault on me. That story remains to be written. See also file \72\May3.X.

3. Explain timing; necessity for Nixon and Kissinger to simply put me incommunicado for a couple of weeks, while they mined Haiphong...